


Approved: 

Christopher D. Brumwell
Assistant United States Attorney

Before: THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York

20 MAG 11564

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UNITED STATES OF AMERICA : SEALED COMPLAINT
:
: Violations of 18 U.S.C.
- v. - : §§ 922(g) and 2
:
ARFHY SANTOS, a/k/a "Coyote," : COUNTIES OF OFFENSE:
: BRONX
Defendant. :
:
-----X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSE SANDOBAL, being duly sworn, deposes and says that he is a Task Force Officer with the Drug Enforcement Administration ("DEA") and charges as follows:

COUNT ONE

1. On or about October 10, 2020, in the Southern District of New York, ARFHY SANTOS, a/k/a "Coyote," the defendant, knowing that he had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess, in and affecting commerce, ammunition, to wit, one 9mm shell casing manufactured by Blazer, one 9mm shell casing manufactured by GFL, and one 9 mm shell casing manufactured by RP, all of which previously had been shipped and transported in interstate and foreign commerce, and did aid and abet the same.

(Title 18, United States Code, Sections 922(g) (1) and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

2. I am Task Force Officer with the DEA, and I have also been a Detective with the New York City Police Department

("NYPD") for approximately ten years. This affidavit is based on my personal participation in the investigation of this matter, my conversations with other law enforcement agents, witnesses and others, and my review of video recordings, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of a report prepared by another member of law enforcement, I know that at approximately 4:20 AM on or about October 10, 2020, a Shot Spotter in the vicinity of a parking garage (the "Parking Garage") on Jerome Avenue in the Bronx, New York alerted law enforcement that multiple shots were fired in its vicinity.

4. Based on my review of surveillance footage from the vicinity of the Parking Garage on or about October 10, 2020 at approximately 4:20 AM, I have learned the following:

- a. At approximately 4:20 AM, a car later identified as a black BMW sedan (the "Black BMW") arrives at the entrance to the Parking Garage.
- b. Two men ("Victim-1" and "Victim-2") approach the Black BMW, and then wait at the entrance of the Parking Garage while the Black BMW pulls inside.
- c. After driving inside the Parking Garage, the driver of the Black BMW, later identified as ARFHY SANTOS, a/k/a "Coyote," the defendant, exits the Black BMW and joins Victim-1 and Victim-2 at the entrance to the Parking Garage.
- d. Shortly thereafter, an SUV that appears to be a Jeep (the "Jeep") pulls into the entrance of the Parking Garage near where Santos, Victim-1, and Victim-2 are standing.
- e. Subsequently, a large truck that appears to be a black Dodge Durango (the "Black Dodge Durango") pulls in front of the Parking Garage and one or more occupants of the Black Dodge

Durango begin firing shots in the direction of Victim-1, Victim-2, another bystander ("Victim-3"), and the Jeep.

- f. After the occupants of the Black Dodge Durango fire shots, the Black Dodge Durango makes a U-Turn and begins driving away from the Parking Garage.
- g. Around the time the Black Dodge Durango begins driving away, SANTOS appears to draw a handgun and begins firing shots while running in the direction in which the Black Dodge Durango drove away. Based on my training and experience, I believe that SANTOS was firing shots because the surveillance video depicts muzzle flashes emanating from the handgun he was holding. At least three muzzle flashes appear when SANTOS is located in the middle of Jerome Avenue several feet away from the location where the occupants of the Black Dodge Durango fired shots.

5. Based on reports prepared by other members of law enforcement, I know that Victim-1, Victim-2, and Victim-3 were admitted to hospitals in the vicinity of the Parking Garage and treated for gunshot wounds during the early morning hours of October 10, 2020.

6. In the course of this investigation, I reviewed the surveillance footage described above with other members of law enforcement ("Officer-1" and "Officer-2") who had prior dealings with ARFHY SANTOS, a/k/a "Coyote," the defendant, in 2019 and are familiar with his appearance. Officer-1 and Officer-2 recognized SANTOS as the driver of the Black BMW. Additionally, based on my review of photographs maintained in law enforcement databases, I am familiar with ARFHY SANTOS's appearance. Based on my review of the surveillance footage gathered from the Parking Garage, and stills created from that footage, I recognize that SANTOS is the driver of the Black BMW.

7. Based on my review of reports prepared by other members of law enforcement, I know that following the October 10, 2020 shooting, NYPD officers canvased the vicinity of the Parking Garage and found approximately 36 shell casings. Additionally, members of the evidence collection team took photographs memorializing the location where each shell casing was found. I have compared the photographs depicting the

locations of shell casings found in the vicinity of the Parking Garage with the surveillance footage described above. Based on that comparison, I have learned that:

- a. A 9mm shell casing manufactured by Blazer (the "Blazer Shell Casing") was found in the approximate location from which ARFHY SANTOS, a/k/a "Coyote," the defendant, fired a shot.
- b. A 9mm shell casing manufactured by GFL (the "GFL Shell Casing") was found in the approximate location from which SANTOS fired a shot.
- c. A 9mm shell casing manufactured by RP (the "RP Shell Casing") was found in the approximate location from which SANTOS fired a shot.
- d. Because the Blazer Shell Casing, GFL Shell Casing, and RP Shell Casing (collectively the "Shell Casings") were found in the approximate location from which Santos fired shots, and were found several feet from where the occupants of the Black Dodge Durango fired shots, I believe that the Shell Casings were ejected from the handgun Santos discharged in the vicinity of the Parking Garage.

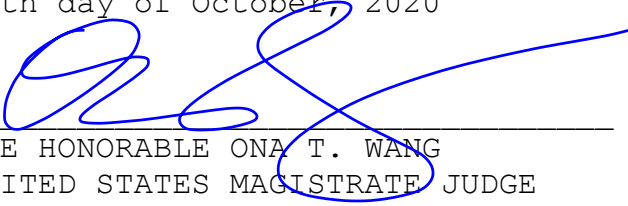
8. I have spoken to an agent ("Agent-1") of the Bureau of Alcohol, Tobacco, Firearms, and Explosives regarding the Shell Casings. Agent-1 informed me that based on their make and model, the Shell Casings were manufactured outside of New York State.

9. Based on my review of law enforcement records, I know that on or about June 28, 2018, SANTOS was convicted in Bronx County Supreme Court of Criminal Sale of a Controlled Substance in the Third Degree, in violation of N.Y.P.L. § 220.39(1), which I know based on my training and experience to be a crime punishable by more than one year of imprisonment. Furthermore, based on my training, experience, and conversations with other members of law enforcement, I know that prior to pleading guilty in Bronx County Supreme Court, it is standard practice for a defendant to be informed of the sentences that can be lawfully imposed for the crime to which he or she is pleading guilty. I therefore believe that SANTOS knew he had been convicted of a crime punishable by more than one year of imprisonment.

WHEREFORE, deponent prays that a warrant be issued for the arrest of ARFHY SANTOS, a/k/a "Coyote," the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.

s/Jose Sandobal/OTW
Jose Sandobal
Task Force Officer Shield No. 2208
DEA

Sworn to me through the
transmission of this Affidavit by
reliable electronic means, pursuant
to Federal Rule of Criminal
Procedure 4.1, this
26th day of October, 2020



THE HONORABLE ONA T. WANG
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK